

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Roland De La METTRIE et al. ) Group Art Unit: 1751  
Application No.: 09/904,831 ) Examiner: L. Douyon  
Filed: July 16, 2001 )  
For: OXIDATION DYE COMPOSITION )  
FOR KERATIN FIBERS, )  
COMPRISING NONIONIC )  
AMPHIPHILIC POLYMER )

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CPT  
10-15-02

Commissioner for Patents  
Washington, DC 20231

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97, applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed after a Final Office Action and is accompanied by a fee of \$180.00 as specified under § 1.17(p). Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

Applicant cannot make a certification under 37 C.F.R. 1.97(d) and (e) because the documents listed in this Information Disclosure Statement were first cited in a communication from the European Patent Office in an opposition proceeding in a counterpart foreign application more than three months ago but well after the mailing

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date of the final Office Action. Accordingly, Applicants request that the Examiner waive Rule 97(d) in view of the fact that the Response After Final is the first paper they are filing after these documents were received this summer.

Copies of the listed documents, including any copending patent applications, are attached.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

With respect to the non-English language documents, Applicants submit the following remarks:

1. **EP 650718 A1** and **EP 650718 B1** : These documents are believed to be related to U.S. Patent No. 5,609,951, which is submitted herewith.
2. **EP 673641 B1** : This document is believed to be related to U.S. Patent No. 5,735,908, which is submitted herewith.
3. **EP 739620 A1** and **EP 739620 B1** : These documents are believed to be related to U.S. Patent No. 5,700,456, which is submitted herewith.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and applicants determine that the cited documents do not constitute "prior art" under United States law,

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applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such documents.


Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: October 10, 2002

By:   
Thalia V. Warnement  
Reg. No. 39,064

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